

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5: 14 -CV- 60 -FL

FILED

MAY 30 2014

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

TIMOTHY P. DANEHY

Plaintiff,

v.

JAFFE AND ASHER LLP. *et al.*,
LAWRENCE M. NESSENSON and
WILLIAM J. ALLEN *et al.*

Defendants

DECLARATION OF TIMOTHY P.
DANEHY IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS MOTION TO DISMISS

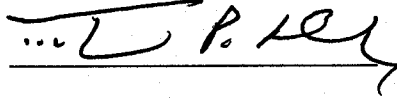
Timothy P. Danehy declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I submit this declaration in support of plaintiff's opposition to defendant's motion to dismiss.
2. I am the plaintiff in the above named action.
3. I saw that Jaffe and Asher pulled my consumer credit report from Trans Union
4. I received messages on my answering machine at 5:02 PM and 6:21 PM on March 20, 2014 from Nessenson.
5. I called Nessenson at 2:42 PM on March 21, 2014

6. I discussed the FDCPA case and the alleged American Express debt with Nessonson. I agreed to a stipulated agreement to give Jaffe and Asher 30 days from that date to answer the suit.
7. I received the stipulated agreement one week later and mailed a letter to Jaffe and Asher and Allen stating that I agreed to 30 days from the date of the phone conversation.
8. I have seen no proof of agency that Jaffe and Asher LLP or Allen represents AMERICAN EXPRESS BANK FSB.
9. I see in defendant's memorandum in support of motion to dismiss in the first line of paragraph 2, "J&A, based in New York, New York, and it's local counsel, Allen,...", That Allen is J&A's counsel.
10. I see that there is no phrase, "debt collector", in the letter dated March 6, 2013 that Allen sent to plaintiff.
11. I see two defects in form of the corporate verification attached the state complaint that Allen filed in North Carolina. The notarization is invalid because state of is blank and County of is blank.
12. I see that the corporate verification does not allege firsthand fact knowledge.
13. I see no foundation as to how Affiant Richard Kier was trained, maintains the records, secures the records, or how Richard Kier was authorized to be assistant custodian of records.
14. I see no signature or certification of "Exhibit A" from the state complaint.

15. I never had account number, "*****1001" or "account ending 7-71001"
with AMERICAN EXPRESS BANK FSB.

Respectfully submitted,



Timothy P. Danehy

555 Julian Smith Rd.
Henderson, NC 27537
(252) 492-0194
Mail: P.O. Box 301
Kittrell, NC 27544-0301
nonovation@yahoo.com
Pro Se

CERTIFICATE OF SERVICE

I, Timothy P. Danehy, certify that I have this day served the Defendants in the foregoing matter with a copy of this foregoing Amended Complaint by depositing in the United States Mail a copy of the same in a properly addressed envelope with adequate postage thereon, in the manner prescribed by FRCP rule 5 addressed to the following:

JAFFE AND ASHER LLC.
600 Third Ave.
New York, NY 10016

LAWRENCE M. NESSENSON
C/o JAFFE AND ASHER LLC.
600 Third Ave.
New York, NY 10016

And

WILLIAM J. ALLEN
C/o ALLEN LAW FIRM
2435 Plantation Center Drive
Suite 205
Matthews, NC 28105